

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ****Writ Petition No. 3303 of 2006**

Petitioner : Sukhlal
 S/o Kawal Sai,
 Aged about 40 years,
 R/o Village – Sarganwa,
 Tehsil – Ambikapur,
 Dist. Sarguja – (C.G.)

VERSUS

Respondents

1. State of Chhattisgarh
 Through The Secretary
 Department of Revenue,
 D.K.S. Bhawan, Raipur,
 Dist : Raipur – (C.G.)
2. The Collector Sarguja – (C.G.)
3. The Tehsildar,
 Ambikapur, Dist : Sarguja – (C.G.)
4. Krishn Kumar Singh,
 S/o Late Gulab Singh,
 Aged about years,
 R/o Thana
 Village – Sarganwa,
 Tehsil + Dist – Ambikapur.

Present: Shri Arun Shukla, learned counsel for the petitioner.
 Shri Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 6th July, 2006)

In this writ petition, eviction notice issued by the Tehsildar, Ambikapur, the 3rd respondent herein under Section 248 of Chhattisgarh Land Revenue Code (for short "the Code") has been assailed. It is stated that the petitioner has been in unauthorized occupation of the Government Land for the past 40-45 years. Then, in para 5.4, it is stated that the petitioner and the similarly circumstanced other encroachers have applied for grant of patta. It is contended that in view of the continued Act of unauthorized occupation for large number of

years and having regard to the fact that the encroachers have made applications, the Tehsildar ought not to have issued notice under Section 248 of the Code. The grounds urged against the impugned notice are not tenable. Though, in para 5.4, it is stated that the petitioner and the similarly circumstanced other encroachers have applied for grant of patta, the assertion so made is as vague as it could be. It is not stated in the writ petition when the petitioner and others made applications for patta and to which authority such applications are made etc. Admittedly, subject land is a Government land and it is the power of the Tehsildar who is a Statutory Authority under the Code to safeguard the Government property by issuing eviction notice. The lawful exercise undertaken by the Tehsildar could not be interdicted by entertaining the writ petition. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

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